

Message Text

CONFIDENTIAL

PAGE 01 MONTEV 00727 091624 Z

40

ACTION ARA-17

INFO OCT-01 ADP-00 CIAE-00 PM-09 H-02 INR-09 L-03 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12 RSR-01 /083 W
----- 011347

R 091515 Z MAR 73

FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC 3964
INFO AMEMBASSY BUENOS AIRES
CINCSO
DIA

C O N F I D E N T I A L MONTEVIDEO 0727

E. O. 11652: GDS
TAGS: PINT, UY
SUBJ: MILITARY JUDGE REQUESTS REMOVAL OF CONGRESSIONAL
IMMUNITIES OF SENATE CRITIC

CINCSO FOR POLAD

REF: MVD 583

1. MILITARY JUDGE WHO HAS BEEN INVESTIGATING CHARGES OF
COLORADO SENATORAMILCAR VASCONCELLOS THAT ARMED FORCES SEEKING
TO OVERTHROW CIVILIAN INSTITUTIONS, YESTERDAY (MARCH 8)
SIGNED REQUEST FOR LIFTING OF SENATOR' S CONGRESSIONAL
IMMUNITIES. JUDGE' S REQUEST WAS BASED ON HIS DECISION THAT
VASCONCELLOS' CONTINUING DENUNCIATIONS OF ACTIONS AND MOTIVES
OF ARMED FORCES CONSTITUTE, " ATTACK UPON THE MORAL AUTHORITY OF
THE ARMED FORCES", A CRIME UNDER THE MILITARY CODE.

2. SEVERAL MORE STEPS MUST OCCUR BEFORE SENATE WILL BE
FORMALLY CONFRONTED WITH JUDGE' S REQUEST. IT MUST FIRST
BE PASSED UPON BY THE SUPREME MILITARY TRIBUNAL, THEN THE
MINISTER OF DEFENSE AND, FINALLY, BE APPROVED AND TRANSMITTED
TO SENATE BY PRESIDENT BORDABERRY. IT IS LIKELY TO TAKE
SEVERAL DAYS TO A WEEK BEFORE THE FINAL DISPOSITION OF JUDGE' S
REQUEST IS KNOWN.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MONTEV 00727 091624 Z

3. COMMENT: IT IS DIFFICULT TO VIEW THIS LATEST ACTION BY MILITARY AUTHORITIES IN ANY OTHER LIGHT THAN A PROVOCATION TO EITHER THE PRESIDENT OR THE CONGRESS OR BOTH. WHILE IT IS POSSIBLE THAT SENIOR MILITARY AUTHORITIES COULD ATTEMPT TO TAMP DOWN THIS LATEST SOURCE OF CIVILIAN/ MILITARY FRICTION BY OVERRULING THE JUDGE' S REQUEST, THIS WOULD BE CONTRARY TO THEIR PREVIOUSLY- ANNOUNCED DECISION NOT TO PERMIT FURTHER PUBLIC CRITICISM OF THE TYPE LEVELED BY VASCONCELLOS (MVD 377). SUCH A DECISION WOULD PROBABLY BE TAKEN AS AN INDICATION OF THE MILITARY' S STEPPING BACK FROM A CONFLICT WITH CIVILIAN LEADERSHIP, AN ATTITUDE CERTAINLY AT VARIANCE WITH THEIR AGGRESSIVE AND DETERMINED ACTIONS OF THE PAST SEVERAL MONTHS. THE JUDGE' S CHARGE AGAINST VASCONCELLOS IS THE SAME AS THAT USED BY THE MILITARY TO ARREST COLORADO POLITICAL LEADER JORGE BATLLE IN LATE 1972. HOWEVER, THE TOUCHY AND SENSITIVE POINT OF CONGRESSIONAL IMMUNITIES HAS NOW BEEN RAISED. NO ONE, CIVILIAN OR MILITARY, WITH WHOM WE HAVE SPOKEN IN THE PAST TWO WEEKS, BELIEVES THAT THE SENATE WOULD VOTE TO LIFT VASCONCELLOS' IMMUNITIES. IT LIKEWISE NOT CLEAR WHAT ATTITUDE THE PRESIDENT WOULD TAKE IF AND WHEN HIS APPROVAL OF JUDGE' S REQUEST IS SOUGHT. A NEGATIVE RESPONSE BY EITHER THE PRESIDENT OR THE CONGRESS COULD CAUSE A NUMBER OF EXPLOSIVE REACTIONS WITHIN THE ARMED FORCES, SUCH AS THE ARREST OF VASCONCELLOS AND/ OR THE FORCED CLOSURE OF THE LEGISLATURE. THE IDEAL SOLUTION, IN TERMS OF PRESERVING THE STABILITY OF THE CURRENT SITUATION, WOULD BE FOR " FACE SAVING" MEANS OF SWEEPING THIS MATTER UNDER THE POLITICAL RUG. HOWEVER, ALTHOUGH THE ARMED FORCES LEADERSHIP IS UNDOUBTEDLY AWARE OF THE POSSIBLE SERIOUS CONSEQUENCES OF A MOVE AGAINST VASCONCELLOS, THEY APPEAR WILLING TO MOVE AHEAD ON THIS IMMEDIATE PROBLEM AND DEAL WITH FUTURE CRISES ON AN " AD HOC" BASIS AS THEY DEVELOP. IT IS DISTURBING TO REMEMBER THAT IT WAS A SIMILAR CHAIN OF UNANTICIPATED, AT TIMES ALMOST ACCIDENTAL, EVENTS WHICH LED TO THE VERY SERIOUS CONFRONTATION OF 9-12 FEBRUARY.

ORTIZ

CONFIDENTIAL

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 09 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: martinjw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973MONTEV00727
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: RR
Errors: n/a
Film Number: n/a
From: MONTEVIDEO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730323/aaaahgzz.tel
Line Count: 103
Locator: TEXT ON-LINE
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinjw
Review Comment: n/a
Review Content Flags:
Review Date: 14 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14-Jan-2002 by willialc>; APPROVED <21 FEB 2002 by martinjw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 971112
Subject: MILITARY JUDGE REQUESTS REMOVAL OF CONGRESSIONAL IMMUNITIES OF SENATE CRITIC
TAGS: PINT, UY
To: ARA
BUENOS AIRES
CINCSO
DIA
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

